



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/873,974 06/12/97 SCROGGIE

M CATALINA

EXAMINER

022850 TM02/0309
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

ROBINSON BOYCE, A

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

03/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/873,974

Applicant(s)
Scroggie, et al.

Examiner
Akiba Robinson-Boyce

Group Art Unit
2163



☒ Responsive to communication(s) filed on Feb 16, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 50-89 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 50-89 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2163

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 50, 51, 60, 70, 80, are rejected under 35 U.S.C. 102(e) as being anticipated by Sloane (US Patent 5,918,211).

As per claims 50, 60, 70, 80, Sloane discloses:

a cooperative network site configured to store at least one of manufacturer incentives.../storing at least one of .../means for storing...at least one manufacturer network site and a retailer network site coupled.../coupling at least one network site.../means for coupling at least one of a manufacturer...a consumer computer coupled.../coupling a consumer computer.../means for coupling a consumer computer...wherein said cooperative network site is configured to transmit at least one of said manufacturer incentives.../transmitting from said cooperative network.../means for transmitting...(Col. 7, lines 4-26).

As per claims 51, 61, 71, 81, Sloane discloses:

Art Unit: 2163

wherein said cooperative network site is configured to store at least one of said manufacturer incentives and retailer incentives in a data base.../storing at said cooperative network site.../means for storing...(Col. 8, lines 50-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 52-59, 62-69, 72-79, 82-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (US Patent 5,918,211) as applied to claim above, and further in view of Allsop, et al. (5,970,472).

As per claims 52, 54-56, 58, 59, 62, 64-66, 68, 69, 72, 74-76, 78, 79, 82, 84-86, 88, 89, Sloane fails to disclose the following, however Allsop, et al. discloses:

wherein, in response to said consumer transmitting an identification code.../transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code.../means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site in response to said consumer transmitting an identification code...wherein said incentive data is

Art Unit: 2163

based on said consumer specific data.../basing said incentive data on said consumer specific data.../means for basing...(Col. 8, lines 17-24);

wherein, in response to a query from said consumer made over said communication .../transmitting from said cooperative network site a geographically limited.../means for transmitting from said cooperative network site a geographically limited...(Col. 8, lines 32-49).

said cooperative network site transmits a consumer personal page.../transmitting from said cooperative network site a consumer personal page.../means for transmitting from said cooperative network site a consumer personal page...(Col. 8, line 66-Col. 9, line 2);

said consumer transmits incentive selection data.../transmitting by said consumer.../means for transmitting by said consumer incentive selection data...said cooperative network site transmits incentives corresponding to said selection data.../transmitting from said cooperative network...../means for transmitting from said cooperative network site...(Col. 10, lines 36-46, Col. 11, lines 50-60, Col. 11, line 50-col. 12, line 3).

It would have been obvious to one of ordinary skill in the art to transmit a geographically limited list of retailers honoring incentives in response to a query because by querying, all of the unwanted data can be filtered out of the search resulting in a quick, efficient way of obtaining desired incentive information. It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Allsop, et al. into Sloane because all of these additional steps are necessary for ensuring that significant details of manufacturer selection data are sent to the correct location.

Art Unit: 2163

As per claims 53, 63, 73, 83, Sloane fails to teach the following, however Allsop, et al. discloses:

wherein said cooperative network site transmits said geographically limited list of retailers based on a postal code.../transmitting from said cooperative network site said geographically limited list of retailers based on a postal code...(Col. 8, lines 32-49).

It would have been obvious to one of ordinary skill in the art for cooperative network site to transmit the geographically limited list of retailers based on a postal code in order to determine if the retailer is in close proximity with the user resulting in a better match between the user and the retailer.

As per claims 57, 67, 77, 87, Sloane discloses:

wherein said incentive data is based on said consumer specific data comprising a shopping history.../basing said incentive data...(Col. 8, lines 50-63).

As per claim 24, 36, 48, 49, Sloane discloses:

Art Unit: 2163

transmitting from a client computer over the Internet to a Web site of a manufacturer a request.../means for transmitting...in response to said request for manufacturer incentives, transmitting region data...means for, in response to said request...in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive.../means for, in response to receipt of region data...(Col. 7, lines 5-26);

Sloane fails to teach the following, however Allsop, et al discloses:

transmitting...at least one name.../means for transmitting...at least one name...(Col. 5, lines 41-57);

It would have been obvious to one of ordinary skill in the art to transmit at least one name of the retailer and the manufacturer so the consumer will recognize which retailer and manufacturer should be used in order to get the desired incentives. This recognition would increase sales through those particular retailers and manufacturers.

As per claim 25, 37, Sloane fails to disclose the following, however Allsop, et al. discloses:

wherein said step of transmitting from said remote site said list further comprises transmitting a link.../wherein said means for transmitting from said remote site said list further comprises means for transmitting a link...(Col. 7, lines 24-35).

Art Unit: 2163

It would have been obvious to one of ordinary skill in the art to transmit a link to a Web site of at least one retailer so the request for products and incentives for a specific retailer can be sent to the correct location.

As per claims 26, 30, 38, 42, Sloane fails to disclose the following, however Allsop, et al. discloses:

determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying.../means for determining...transmitting from the client computer over the Internet to the Web site of the retailer region data.../means for transmitting...(Col. 8, lines 32-49).

It would have been obvious to one of ordinary skill in the art to determine at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using region data, a database from a server of a remote Web site because by querying, all of the unwanted data can be filtered out of the search resulting in a quick, efficient way of obtaining desired incentive information.

As per claim 27, 39, Sloane discloses:

transmitting from said client computer.../means for transmitting...(Col. 10, 3-7, col. 11, lines 47-48, col. 12, lines 4-8);

Sloane fails to disclose the following, however Allsop, et al. discloses:

transmitting from said Web site of said manufacturer.../means for transmitting from said Web site...(Col. 10, lines 36-46);

Art Unit: 2163

transmitting from said remote site to said Web site of said manufacturer details.../means for transmitting from said remote site...(Col. 11, lines 50-60);

transmitting from said Web site of said manufacturer to said client computer.../means for transmitting from said Web site of said manufacturer...(col. 11, line 50-col. 12, line 3).

It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Allsop, et al. into Sloane because all of these additional steps are necessary for ensuring that significant details of manufacturer selection data are sent to the correct location.

As per claims 29, 41, Sloane fails to disclose the following, however Allsop, et al. discloses:

transmitting a user identification.../means for transmitting a user identification...determining manufacturer's incentives.../means for determining manufacturer's incentives...(Col. 5, lines 41-63).

It would have been obvious to one of ordinary skill in the art to transmit a user identification from a Web site of the retailer to a remote web site and to determine the manufacturer's incentives to transmit from the remote Web site to a retailer Web site because the incentives are user specific. One needs to know the user identity in order to receive the correct incentive.

As per claim 31, 43, Sloane fails to teach the following, however Allsop, et al. discloses: wherein said region data is postal code data...(Col. 8, lines 32-49).

Art Unit: 2163

It would have been obvious to one of ordinary skill in the art for the region data to be postal code data in order to determine if the retailer is in close proximity with the user resulting in a better match between the user and the retailer.

Conclusion

5. An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Akiba Robinson-Boyce

Patent Examiner

Group Art Unit 2163

February 28, 2001


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100